REMARKS

Applicant has reviewed the Office Action mailed on August 24, 2005 as well as the art cited. Claims 1-46 are pending in this application.

Information Disclosure Statement

Applicant respectfully requests that a copy of the 1449 form, listing all references that were submitted with the Information Disclosure Statement filed on 11/09/01, marked as being considered and initialed by the Examiner, be returned with the next official communication.

Affirmation of Election

As provisionally elected by Applicant's representative, Laura Ryan, on 08/04/2005, Applicant elects to prosecute the invention of Group 1, Claims 1-24.

The claims of the non-elected invention, claims 25-46, are hereby canceled without prejudice or disclaimer. However, Applicant reserves the right to later file continuations or divisionals having claims directed to the non-elected inventions.

Rejections Under 35 U.S.C. § 103

Claims 1-4, 6-12 and 14-23 were rejected under 35 USC § 103(a) as being unpatentable over Ganesan et al. (U.S. Patent No. 5727160). Applicant respectfully traverses this rejection.

When applying 35 U.S.C. §103, the claimed invention must be considered as a whole; the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention and a reasonable expectation of success is the standard with which obviousness is determined. *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2143

<u>Claims 1-4, 6-12 and 14-23</u>

With respect to claims 1, 10, 16 and 21, Examiner refers to Ganesan, figure 15, and alleges that "[i]t would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the IOPM to include a data base in order to orderly store the status information and alarm conditions of the T1 I/O ports before the IOPM reports the information to the OMC."

With regards to claim 1, applicant respectfully asserts that Ganesan fails to teach or suggest "*a system information database adapted to* refresh based on the collected performance information and to *generate system status information*; and a hardware controller adapted to selectively communicate alarm change messages to one or more of the hardware components *based on* the collected performance information and *the system status information*" as is provided by claim 1 of the present application.

Contrary to the examiner's allegation and in contrast to Ganesan, the system information database of claim 1 does not simply serve to orderly store information. For example, applicant's specification teaches "[i]n operation, transport hardware controller 120 is responsible for *reacting to changes that occur in SI database* 124. ... Transport hardware controller 120 causes changes to associated hardware *based upon a change in SI database 124* using appropriate hardware driver(s) 112-1 to 112-N." (see Application at paragraph [0019-20]) Ganesan fails to teach or suggest <u>a hardware controller that reacts to changes that occur in a database</u> .

With regards to claim 10, for the reasons discussed above, applicant respectfully asserts that Ganesan fails to teach or suggest "*a system information database adapted to store system status information* and to refresh based on alarm information identified by the detection device;

and *a hardware controller adapted to selectively communicate alarm change* messages to one or more hardware components *based on* the alarm information and *the system status information*" as is provided by claim 10 of the present application.

As discussed above with respect to claim 1, Ganesan fails to teach or suggest a hardware controller that sends messages to one or more hardware components based on system status information stored within a system information database.

With regards to claim 16, for the reasons discussed above, applicant respectfully asserts that Ganesan fails to teach or suggest "*wherein the system information database is adapted to* refresh based on system performance information and to *generate system status information*; and *wherein the hardware module selectively communicates alarm change messages* to one or more of the hardware components *based on* the collected performance information and *the system status information*" as is provided by claim 16 of the present application.

Again, as discussed above with respect to claim 1, Ganesan fails to teach or suggest a hardware module that communicates messages to one or more hardware components based on system information generated by a system information database.

With regards to claim 21, for the reasons discussed above, applicant respectfully asserts that Ganesan fails to teach or suggest "*a system information database adapted to generate system status information*" wherein "*the transport hardware controller selectively communicates* with one or more hardware drivers to effect a configuration change *based on* the collected performance information and *the system status information*" as is provided by claim 21 of the present application.

As discussed above with respect to claims 1, 10 and 16, Ganesan fails to teach or suggest a hardware module that communicates with one or more hardware drivers based on system information generated by a system information database.

Respectfully, Examiner has not established a *prima facie* case of obviousness because Ganesan, either alone or in combination with any reference or knowledge generally available to

AMENDMENT AND RESPONSE   PAGE 10
Serial No.: 10/008,657
Filing Date: 11/9/2001   Attorney Docket No. 100.339US01
Title: HARDWARE CONTROLLER AND MONITOR

---

one of ordinary skill in the art, does not teach or suggest all the elements of claims 1, 10, 16 and 21 of the present invention. As a result, Applicant respectfully asserts that claims 1, 10, 16 and 21 are allowable. Claims 2-9 depend from and further define claim 1 and as a result are also allowable at least for the reasons identified above for claim 1. Claims 11-15 depend from and further define claim 10 and as a result are also allowable at least for the reasons identified above for claim 10. Claims 17-20 depend from and further define claim 16 and as a result are also allowable at least for the reasons identified above for claim 16. Claims 22-24 depend from and further define claim 21 and as a result are also allowable at least for the reasons identified above for claim 21.

Claims 5 and 13

Claims 5 and 13 are rejected under 35 USC § 103(a) as being unpatentable over Ganesan et al. (US Patent No. 5727160) in view of Chang et al. (US Patent No. 6167279). Applicant respectfully traverses this rejection.

Claims 5 and 13 depend from and further define claims 1 and 10, respectively. Because claims 1 and 10 are allowable for at least the reasons discussed above, claims 5 and 13 are also allowable.

Because the Applicant believes claims 1-24 are allowable for the above reasons, Applicant may not have put forth responses to additional rejections to said claims at this time. However, the Applicant reserves the right to address said additional rejections to said claims if a further response is required.

Serial No.: 10/008,657
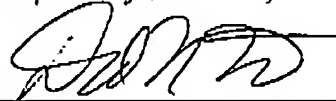Filing Date: 11/9/2001   Attorney Docket No. 100.339US01
Title: HARDWARE CONTROLLER AND MONITOR

CONCLUSION

Applicant respectfully submits that claims **1-24** are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 455-1680.

Respectfully submitted,

Date: November 23, 2005

David N. Fogg
Reg. No. 35,138

Attorneys for Applicant
Fogg and Associates, LLC
P.O. Box 581339
Minneapolis, MN 55458-1339
T – (612) 332-4720
F – (612) 332-4731

P.O. Box 581339
Minneapolis, MN 55458-1339
T – (612) 332-4720
F – (612) 332-4731